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#23
[10123/03806]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Sansoucy
Serial No. : 09/764,659
Filing Date : January 17, 2001
For : SELF-OCCLUDING CATHETER
Group Art Unit : 3763
Examiner : Thissell, Jeremy

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FEB 12 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TECHNOLOGY CENTER R3700

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181

S I R:

This Petition is filed in response to a Notice of Abandonment mailed January 9, 2004 in the above-identified application. The Notice indicates that the application became abandoned due to Applicant's failure to timely file a reply to the Office letter mailed September 29, 2003.

Applicant respectfully submits that a reply to the September 29, 2003 Office letter was in fact timely filed on November 11, 2003. A copy of the reply including an executed Certificate of Mailing is enclosed herewith along with a replacement copy of the previously submitted formal drawings to establish the November 11, 2003 filing date. Therefore, in accordance with 37 CFR 1.181, Applicant respectfully submits that this abandonment is the result of a Patent Office error and requests that the abandonment of the above-identified application be withdraw.

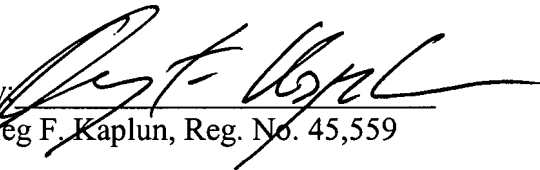
As this abandonment resulted from the Patent Office error, it is respectfully submitted that no fee is required.

Respectfully submitted,

Dated:

2/5/04

By:


Oleg F. Kaplun, Reg. No. 45,559

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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/764,659



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EXAMINER

ART UNIT

PAPER NUMBER

NOTICE OF ABANDONMENT

DATE MAILED:

ABANDONMENT
CONTACT PERSON IS
TOM HAWKINS
305-8380

This application is abandoned in view of:

☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 9/29/3 p 122☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).☐ A reply was received on _____, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).☒ No reply has been received.☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee by 37 CFR 1.18 is \$ _____. The publication fee, if required, by 37 CFR 1.18(d) is \$ _____.☐ The issue fee and publication fee, if applicable, have not been received.☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.☐ No corrected drawings have been received.☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.☐ The reason(s) below: _____
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

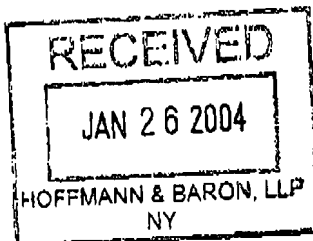


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,659	01/17/2001	Michael R. Sansoucy	498-221 CON	6244

23869 7590 01/09/2004
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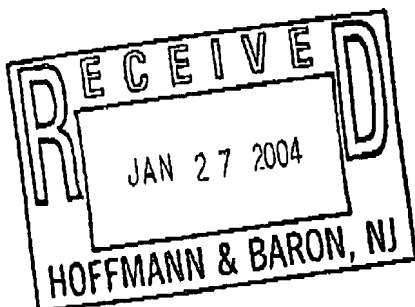
EXAMINER
THISSELL, JEREMY
ART UNIT
PAPER NUMBER

3763

DATE MAILED: 01/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.



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